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Remarks/Arguments:

Claims 1-10 and 12-14 were rejected in the October 30, 2008 Office Action. Applicant now cancels the prior pending claims and replaces them with new claims 15-26. Claims 15, 24 and 26 are independent. Claims 15-26 all find support in the specification, and no new matter has been added. Applicant believes that claims 15-26 are in condition for allowance. Applicant also notes for the Examiner's information that European Patent Office counterpart application No. 04805882.0 has issued as European Patent No. 1,704,701 B1.

Objection to the Specification

The Examiner objected to the title of the invention as not descriptive. In response to the Examiner's objection, Applicant has amended the title to "Browser Plug-In for Automated Resolution of Domain Names by an Alternate Domain Name Server." Applicant respectfully requests that the Examiner's objection to the title of the application be withdrawn.

Objection to Claim 3 and Rejection of Claims 2, 4-6 and 14 under 35 U.S.C. § 112

The Examiner objected to Claim 3 for a typographical error, and rejected claims 2, 4-6 and 14 under 35 U.S.C. § 112 for various informalities. Applicant has cancelled claims 2-6 and 14 and respectfully submits that new claims 15-26 do not contain any of the errors in grammar, syntax or dependency to which the Examiner pointed. Applicant respectfully requests that the Examiner's objection to claim 3 and the Examiner's Section 112 rejection be withdrawn as moot.

Rejection under 35 U.S.C. § 101

The Examiner rejected claims 1-10 and 12-14 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully submits that new claims 15-26 all claim statutory subject matter.

Claims 15-23 are directed to a computer readable medium containing machine-executable instructions. Such media are statutory subject matter. See MPEP § 2106.01 ("[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer

program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.”).

Claims 24 and 25 are directed to a computer. They are machines and are therefore statutory. Similarly, Claim 26 is directed to a method performed using a machine, and is therefore statutory under the test of *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). See Memorandum of John J. Love to Patent Examining Corps, available at http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf (January 7, 2009) (“the test for a method claim is whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing.”). Because the method of claim 26 is tied to a computer, claim 26 is directed to statutory subject matter.

Rejection under 35 U.S.C. § 103

The Examiner rejected claims 1-3 and 12 under 35 U.S.C. § 103 as unpatentable over “How Domain Name Servers Work” (“DNS”) in view of U.S. Patent Application Publication No. 2003/0009592 (“Stathura”). The Examiner rejected claims 7-10 and 13 under 35 U.S.C. § 103 as unpatentable in view of DNS and Stathura, in further view of U.S. Patent No. 7,003,555 (“Jungck”). Applicant respectfully submits that DNS, Stathura and Jungck do not teach, disclose or suggest each and every element of new claims 15-26, either alone or in combination.

Independent claim 15 recites a computer readable medium comprising machine-executable instructions for a plugin for a browser. The recited browser plug-in “detect[s] when the browser is about to display a DNS look-up failure” and “upon detection of when the browser is about to display a DNS look-up failure,” the plugin “attempt[s] a DNS look-up on an alternative DNS server.” DNS, Stathura and Jungck do not teach, disclose or suggest these elements either alone or in combination. The Examiner acknowledges that DNS “does not teach a plugin for a browser nor that plugin operating by detecting when the browser is about to display an error.” Stathura does not teach this element either. By contrast, the system in Stathura “execute[s] on a domain name server,” not on the client computer. Stathura does not teach or suggest software on the client computer that uses an alternative DNS server when a browser is about to display a DNS look-up failure. Jungck also does not teach or suggest this feature, as it, too, is directed to server architecture in a

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secure network and not client software. Because none of the references cited by the Examiner teach or suggest these elements of claim 15, Applicant respectfully requests allowance of claim 15. Because claims 16-23 depend from claim 15, Applicant respectfully requests allowance of claims 16-23.

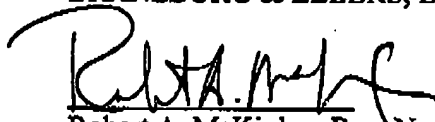
Independent claims 24 and 26 also comprise a browser plug-in that detects when the browser is about to display a DNS look-up failure and attempts a DNS lookup on an alternative DNS server when it detects that the DNS look-up failure is about to be displayed. As described above, none of the references cited by the Examiner teach or suggest these elements. Therefore, Applicant respectfully requests allowance of claims 24 and 26. Because claim 25 depends from claim 24, Applicant respectfully requests allowance of claim 25.

Conclusion:

In view of the amendments and arguments set forth above, it is respectfully submitted that claims 15-26 of the present application are now in a condition for allowance, which action is respectfully requested.

Respectfully submitted,

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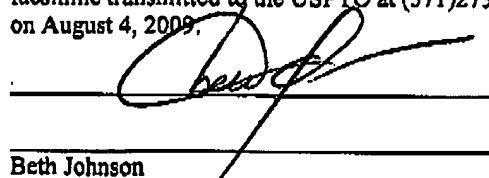
RAM/bj

Dated: August 4, 2009

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The commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 501555 of any fees associated with this communication

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571)273-8300 on August 4, 2009.


Beth Johnson